

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

IN RE:

LARRY E. CHARLES and	:	Case No. 19-10095-TPA
SHIRLEY M. CHARLES,	:	Chapter 12
Debtors.	:	Related to Doc. 18, 36
	:	Hearing: May 30, 2019 at 11:30 A.M.

ORDER TO SHOW CAUSE

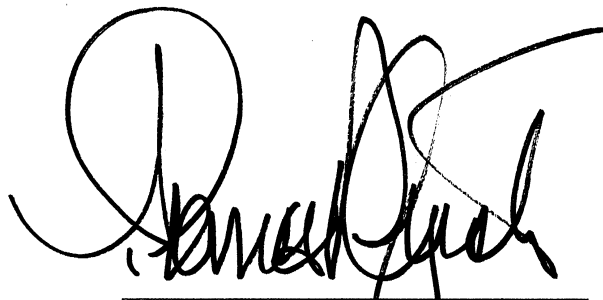
A Chapter 12 Plan was due to be filed by the Debtors on May 6, 2019, and to date, no Plan has been filed. The Court previously held a hearing on February 27, 2019 on an *Order to Show Cause* issued against the Debtors on February 14, 2019 (Doc. 22) for their potential abuse of the bankruptcy process. The Debtors appeared and explained that they will make every effort to make this case work. Based on the Debtors' promises, the Court reluctantly allowed the case to proceed.

The Court's prior *Order to Show Cause* was issued as a result of the Debtors' two prior failed Chapter 12 cases. The Debtors' first Chapter 12 was filed on August 9, 2010 and was dismissed on June 6, 2014 for an inability to make plan payments. Their second case was filed on June 20, 2014 and dismissed on December 20, 2018 for a failure to make plan payments, with an accrued \$45,787 in arrears with 18 months left in their plan. The above-captioned case was filed on February 4, 2019. These Debtors have been in bankruptcy for almost nine years, with no discharge achieved in any of their cases.

The Court has previously explained that although it knows the struggles dairy farmers in this area are currently facing, to remain fair to creditors, the Court cannot allow them to remain in bankruptcy forever. For that reason, the Court stated in the *Order* (Doc. 36) vacating

the prior *Order to Show Cause* that if this case is unsuccessful, it will be dismissed with a three-year bar to refiling. Based on these prior admonitions, the Court expected all deadlines in this case to be met.

AND NOW, this **9th** day of **May, 2019**, for the reasons stated above, it is hereby **ORDERED, ADJUDGED, and DECREED** that an *Order to Show Cause* is issued against the Debtors, **Larry E. Charles** and **Shirley M. Charles**, and their Counsel, **Brian C. Thompson** to personally appear at a hearing scheduled for **May 30, 2019 at 11:30 A.M** in the Erie Bankruptcy Courtroom, 17 South Park Row, Erie, PA 16501 and show cause why sanctions should not be imposed, in the form of dismissal of the above-captioned case with a three-year bar to refiling, for failing to timely file a Chapter 12 Plan.



Thomas P. Agresti, Judge
United States Bankruptcy Court

Case administrator to serve:
Brian Thompson, Esq.
Ronda Winnecour, Esq.
Debtors

Certificate of Notice Page 3 of 3
United States Bankruptcy Court
Western District of Pennsylvania

In re:
Larry E. Charles
Shirley M. Charles
Debtors

Case No. 19-10095-TPA
Chapter 12

CERTIFICATE OF NOTICE

District/off: 0315-1

User: culy
Form ID: pdf900

Page 1 of 1
Total Noticed: 1

Date Rcvd: May 09, 2019

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on May 11, 2019.

db/jdb +Larry E. Charles, Shirley M. Charles, 1407 Deckards Run Road, Cochranton, PA 16314-9343

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
NONE. TOTAL: 0

***** BYPASSED RECIPIENTS *****

NONE. TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: May 11, 2019

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on May 9, 2019 at the address(es) listed below:

Brian C. Thompson on behalf of Joint Debtor Shirley M. Charles bthompson@ThompsonAttorney.com, blemon@thompsonattorney.com;mgillespie@thompsonattorney.com;bthompson@ecf.courtdrive.com;jgorze@thompsonattorney.com
Brian C. Thompson on behalf of Debtor Larry E. Charles bthompson@ThompsonAttorney.com, blemon@thompsonattorney.com;mgillespie@thompsonattorney.com;bthompson@ecf.courtdrive.com;jgorze@thompsonattorney.com
David A. Scott on behalf of Creditor CNH Industrial Capital America LLC scott@lg-law.com
James Warmbrodt on behalf of Creditor DITECH FINANCIAL LLC bkgroup@kmlawgroup.com
Office of the United States Trustee ustpregion03.pi.ecf@usdoj.gov
Ronda J. Winnecour cmecf@chapter13trusteedpa.com

TOTAL: 6